

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

)
JAMES HAYDEN,)
Plaintiff,) CASE NO. 1:17-cv-02635-CAB
) JUDGE CHRISTOPHER A. BOYKO
v.)
2K GAMES, INC., et al.,)
Defendants.)

JOINT MOTION TO EXTEND DEADLINES FOR THIRD-PARTY DEPOSITION AND
SUPPLEMENTAL SUMMARY JUDGMENT BRIEFING

Plaintiff, James Hayden, and Defendants, 2K Games, Inc. and Take-Two Interactive Software, Inc. (collectively “Take-Two” or “Defendants”) move jointly under Federal Rule of Civil Procedure 16 for an order extending the pending deadlines for Mr. Hayden to take the deposition of declarant Danny Green and for the parties to submit supplemental summary judgment briefing. There is good cause for this Motion and it is not interposed for purposes of delay.

The parties jointly ask the Court to extend the time for Mr. Hayden to depose Mr. Green from the June 10, 2022 date previously ordered by the Court (ECF Nos. 146 and 151 and Order of 5/17/2022) to June 29, 2022 and to extend the prior supplemental summary judgment briefing schedule (ECF No. 146), as reflected in the chart below.

Event	Current Deadline (per ECF No. 146)	Proposed New Deadline
Supplementation to Plaintiff’s Opposition to Defendants’ Motion for Summary Judgment	June 16, 2022	July 8, 2022

Supplementation to Defendants' Reply Brief In Support of Motion for Summary Judgment	June 30, 2022	July 22, 2022
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On April 14, 2022, the Court granted Mr. Hayden's motion to allow him to depose Mr. James, Mr. Thompson, and Mr. Green on the subject matter of their third-party declarations that Defendants submitted with their summary judgment motion. (ECF No. 146.) The Court then granted Mr. Hayden's unopposed motion to extend the time for these third-party depositions until June 10, 2022. (ECF No. 151 and Order of 5/17/2022.) Mr. Hayden deposed Messrs. Thompson and James on June 3rd and 6th, respectively.

Counsel for Defendants have advised that they will represent Mr. Green for purposes of his deposition. Due to a significant injury he sustained during the NBA Playoffs, and the subsequent surgery which happened last week and his ongoing recovery that resulted therefrom, Mr. Green has been unavailable for deposition to date. On May 13, the day after Mr. Green's injury, counsel for Defendants notified Plaintiff that Mr. Green had suffered a significant injury and that they would determine when Mr. Green's condition was sufficiently improved for a deposition. On May 25, after additional information regarding the injury was available, counsel for Defendants stated that Mr. Green will need time to rehabilitate after surgery before he is able to sit for a deposition and that they were targeting the week of June 27th for the deposition. During a subsequent meet and confer, the parties agreed to the date of June 29 for Mr. Green's deposition. Since Mr. Green has not been and will not be available until that date, the parties jointly ask the Court to extend the deadline to take Mr. Green's deposition to June 29, 2022.

Correspondingly, the parties jointly ask the Court to extend the dates for supplemental summary judgment briefing, as indicated above. Good cause exists for such request since Mr. Hayden will be unable to take Mr. Green's deposition until almost two weeks after Mr. Hayden's

supplementation to his opposition to Defendants' motion for summary judgment is currently due and just the day before Defendants' supplementation to their reply is due. Mr. Hayden has been diligent in scheduling and taking the depositions of these third-party declarants. Defendants have been diligent in working with Mr. Hayden to schedule the deposition of Mr. Green as soon as possible in light of his serious injury. Neither party will be prejudiced by such an extension. Furthermore, such an extension will not affect the trial date.

For all the foregoing reasons, Plaintiff and Defendants jointly and respectfully request that the Court grant this Motion.

DATED: June 9, 2022

/s/ Chris T. Ilardi

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CERTIFICATE OF SERVICE

I hereby certify that on June 9, 2022, a copy of the foregoing was filed electronically.

Notice of this filing was sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt, and parties may access this filing through the Court's system.

/s/ Dustin Likens

One of the attorneys for Plaintiff